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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

Steven Malcolm,

Plaintiff, Individual

vs.

Acrylic Tank Manufacturing, Inc., a Nevada company; Reynolds Polymer Technology, Inc., a foreign company,

Defendants.

Acrylic Tank Manufacturing, Inc., a Nevada company.

Third-Party Plaintiff

vs.

Reynolds Polymer Technology, Inc., a foreign company.

Third-Party Defendant

CASE NO.: 2:17-cv-01108-JCM-PAL

**JOINT STIPULATION AND ORDER
WITHDRAWING MOTIONS TO COMPEL
(ECF NOS. 66, 67 & 68) AND
CONFERENCE MANAGEMENT REPORT**

Defendant and third party plaintiff, Acrylic Tank Manufacturing, Inc. (“ATM”), by and through its counsel of record, J. Scott Burris, Amanda Ebert, and Ralph Robinson, of the law firm Wilson Elser Moskowitz Edelman & Dicker LLP, together with Plaintiff Steven Malcolm’s (“Malcolm”), by and through his counsel of record, Alaina Stephens and James Glennon of the law firm of Foran Glennon Palandech Ponzi & Rudloff PC, hereby stipulate and agree to the withdraw of their pending motions to compel. The parties, including Reynolds Polymer Technology, Inc., by

1 and through its counsel of record, David Barron and John Barron, of the law firm Barron & Pruitt,
2 further stipulate to the conference management report.

3 **I. Grounds for Withdrawal of Motions to Compel Without Prejudice**

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5 The parties have engaged in negotiations regarding potential settlement, and proposed
6 mediation for which the parties are working on protocols that would lead to a mediation within the
7 next 60 to 90 days. Between now and then, the parties seek to conserve costs and extend deadlines
8 or stay the case.

9 *a . Extension to permit Mediation*

10 Before arriving at the agreements upon which this stipulation is based, the parties undertook
11 additional efforts to complete the scheduling for the settings of depositions of U.S. and international
12 witnesses. However, in anticipation of the parties' collective ability to engage in mediation, the
13 parties have not finalized the scheduling of these depositions. The parties anticipate that these
14 depositions could be extremely costly, and in an effort to save great expense, plans for depositions
15 are currently on hold. The parties do expect to receive additional documents from the architect in
16 Scotland from his damaged hard drive.

17
18 Overall, in an effort to conserve judicial resources, as well as to pursue mediation and
19 potential resolution of the matter, the parties agree to withdraw their pending motions to compel, and
20 seek a stay of Discovery or extension of the deadlines in this matter.

21 *B. ATM seeks intervention in the Colorado matter*

22 Additionally, ATM is preparing a motion to intervene in the Colorado action. All parties
23 agree that this matter, including the portion currently in litigation in Nevada, should be consolidated
24 at some point in the future.

25 THEREFORE, IT IS HEREBY JOINTLY STIPULATED AND AGREED THAT Defendant
26 ACRYLIC TANK MANUFACTURING, INC.'S Emergency Motions to Compel Plaintiff to
27 Identify Scottish Witnesses filed on May 9, 2018 (ECF No. 67) and May 11, 2018 (ECF No. 68),

1 together with Plaintiff STEVEN MALCOLM'S Motion to Compel Cutting and Testing of the
2 Aquarium Pursuant to Proposed Protocol filed May 9, 2018 (ECF No. 66), each be withdrawn in
3 their entirety. The parties stipulate to the withdrawal of the motions without prejudice, and agree
4 that each motion, individually, may be re-filed at a later date if needed.

5

6 **IT IS SO STIPULATED BY:**

7 DATED this 23rd day of May, 2018.
8 WILSON ELSER MOSKOWITZ
9 EDELMAN DICKER &, LLP

10 /s/ J. Scott Burris
11 J. Scott Burris, Esq.
12 Nevada Bar No. 10529
13 Amanda A. Ebert, Esq.
14 Nevada Bar No. 12731
15 300 South Fourth Street, 11th Floor
16 Las Vegas, Nevada 89101
17 *Attorneys for Defendant Acrylic Tank
18 Manufacturing, Inc.*

DATED this day of May, 2018.

FORAN GLENNON PALANDECH PONZI
& RUDLOFF PC

/s/ James B. Glennon (with permission)
Alaina C. Stephens, Esq.
Nevada Bar No. 13512
James B. Glennon, Esq.
Nevada Bar No. 6658
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Henderson, Nevada 89052
Attorneys for Plaintiff

19
20 DATED this day of May, 2018.
21 BARRON & PRUITT

22
23 David Barron, Esq.
24 Nevada Bar No. 142
John d. Barron Esq.
Nevada Bar No. 14029
3890 West Ann Road
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*Attorneys for Defendant Reynolds Polymer
Technology*

ORDER

This Court finds good cause for withdrawal of Plaintiff's Motion to Compel (ECF No. 66) as well as Defendant ATM's Motions to Compel (ECF No. 67 & 68) without prejudice. The parties may re-file their respective motions at a later date.

IT IS SO ORDERED.

IT IS FURTHER ORDERED that a telephonic status check is scheduled for **10:45 a.m. on June 5, 2018**. Those appearing telephonically may contact Courtroom Deputy Jeff Miller at (702) 464-5420 no later than June 1, 2018, to indicate a number where counsel may be reached for the hearing.

Dated this 29th day of May, 2018.

UNITED STATES MAGISTRATE JUDGE